

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.7408 OF 2007

The Commissioner of Central
Excise & Customs

..Petitioner

Vs.

National Security & Personal Services..Respondent

Mr. A.S. Rao, for the Petitioner

**CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.
DATED : 11TH OCTOBER 2007**

P.C.

. The Tribunal relying on earlier order waived the requirement of pre-deposit. According to learned Counsel the judgment relied upon has been subsequently set aside. That can be no ground for us to hold that the exercise of discretion was not within the well known parameters. In our opinion, once there was a power to exercise discretion and that power has been exercised, relying upon the judgment, merely because the Judgment/order was set aside subsequently by itself will result in the order being set aside. In our opinion, in the facts in issue this this is not a fit case for us to exercise our extra ordinary jurisdiction.

Petition rejected.

(J.P. DEVADHAR, J.)

(F.I. REBELLO, J)